IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Appl. No. 816 of 2005

1 Siddharth Dutta son of Sh. K.L. Dutta
R/o Sevla Kalan PO Majra
Dehradun
2 Suman Walia w/o Anil Walia
r/o Sevla Kalan Dehradun
3 Rakesh Sharma s/o Sugan Chand
R/o Devlok IInd, Khala
Chandrabani Road, Dehradun
4 Tejpal son of Genda
Resident of Sevla Kalan .Dehradun
5 Shivdarshan son of Sh. Gullu
R/o Sevla Kalan Dehradun. Applicants

Versus

1. State of Uttaranchal
2 Smt. Manorama Bahuguna
wife of Sri Nand Bahuguna
r/o Rohini Enclave
PS Patel Nagar Dehradun respondents.

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C has been filed by the petitioners for quashing the proceedings in criminal Case No. 1882 of 2005 State vs Siddharth Dutta under Sections 147,307,447,352,504,506 and 323 IPC pending before the court of Chief Judicial Magistrate ,Dehradun.

Brief facts giving rise to this petition are that a First Information Report was lodged by respondent No.2 against the petitioners under the aforesaid sections.

The police after investigation of the case has submitted the charge sheet against the petitioners before the court below. Thereafter the petitioners have filed this petition for quashing the proceedings pending against them.

Learned counsel for the petitioners has argued that the dispute between the parties is of civil nature and the opposite party No.2 has lodged First Information Report against the petitioners resulting into the impugned charge sheet as an instrument of harassment. It has also been submitted that prima facie case is not made out against the petitioners.

The contention raised by the learned counsel for the petitioners relates to the factual aspect of the matter which can be assessed and examined by the trial court during the course of trial.

I , while sitting under the jurisdiction of Section 482 Cr.P.C, am not supposed to embark upon an inquiry as to the reliability of evidence and sustainability of the accusation on a reasonable appreciation of evidence. Any decision by this court on the basis of the documents filed before this court at this stage would amount to pre-mature decision as the evidence in the case is yet to be adduced before the court below.

I do not find any serious miscarriage of justice and abuse of process of court.

The petition under Section 482 Cr.P.C lacks merit and the same is liable to be dismissed.

Accordingly the petition is dismissed in limine.

(B.C. Kandpal, J.)

22.11.2005
nbj